

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re

CHRISTINE ELIZABETH OLIVAS,

No. 07-10319

Debtor(s).

Memorandum on Termination of Automatic Stay

When a debtor files a Chapter 13 petition, his property becomes property of the bankruptcy estate pursuant to §541(a) and §1306 of the Bankruptcy Code. The property generally reverts in the debtor upon confirmation pursuant to §1327(b), but the plan or order confirming the plan may provide otherwise.

In this case, the automatic stay terminated as to the debtor on the 30<sup>th</sup> day after filing pursuant to §362(c)(3)(A), and the court has issued an order in favor of creditors Marshall and Francesca Donig so reflecting. However, the Chapter 13 trustee objects to an order declaring the stay terminated as to the estate, as the property has not yet reverted and he believes that there is sufficient equity in the debtor's real property to pay all creditors in full.

The language of § 362(c)(3)(A) is unambiguous and applies only to property of the debtor. An order applying it to property of a Chapter 13 estate which has not reverted is error. *In re Jumpp*, 356 B.R. 789 (1<sup>st</sup> Cir. BAP 2006). Accordingly, the Chapter 13 trustee's objection will be sustained. He shall submit a form of order declaring that the automatic stay remains in effect as to all estate property until such time as the property has reverted in the debtor or the court has granted a motion for relief from the stay.

Dated: June 6, 2007

  
Alan Jaroslovsky  
U.S. Bankruptcy Judge